

REMARKS

Claims 1-7 and 9-10 are pending in this application. By this Amendment, claims 1-7 are amended, claim 8 is canceled, and claim 10 is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments were not earlier presented because they are made in response to new rejections raised for the first time in the final rejection. Entry of the amendments is thus respectfully requested.

Applicant thanks the Examiner for the indication that claims 7 and 9 contain allowable subject matter.

The Office Action rejects claims 1, 2 and 8 under 35 U.S.C. §102(b) over Takahiko (JP 08-115874), claims 1, 2 and 8 under 35 U.S.C. §103(a) over Sugaya et al. (U.S. Patent No. 5,754,299) (Sugaya) and claims 3-6 under 35 U.S.C. §103(a) over Sugaya in view of Iwanaga et al. (U.S. Patent No. 5,920,398) (Iwanaga). Applicant respectfully traverses these rejections.

In particular, Applicant respectfully submits that Takahiko does not disclose or suggest an optical positional deviation detecting apparatus comprising, *inter alia*, a field stop provided on an irradiation optical system and an image field position adjustment mechanism for adjusting a position of the field stop, as recited in independent claim 1.

Takahiko teaches an adjusting method for a position deviation measuring optical system wherein a deviation value of the optical system is calculated by rotating the position deviation measuring pattern by 180° (Abstract). Takahiko discloses a field stop (field

diaphragm 54) and a one-way mirror (55) combined to a lens system that generates light ([0011] of the translation of JP 08-115874). However, there is no disclosure or suggestion in Takahiko of adjusting the position of the field stop. Accordingly, Takahiko does not disclose each and every feature of independent claim 1, and hence does not anticipate independent claim 1. As such, Applicant respectfully submits that independent claim 1 defines patentable subject matter.

In addition, Applicant submits that Takahiko does not disclose or suggest an optical positional deviation detecting apparatus wherein the image field position adjustment mechanism further comprises an imaging device, and adjusts the position of the imaging device in accordance with the field stop adjustment, as recited in claim 2. Accordingly, for at least this reason and its dependence on allowable claim 1, Applicant submits that claim 2 defines patentable subject matter. Furthermore, the cancellation of claim 8 renders the rejection of claim 8 moot.

Applicant submits that Sugaya does not disclose or suggest an optical positional deviation detecting apparatus comprising, *inter alia*, an image field position adjustment mechanism for adjusting a position of a field stop in a plane perpendicular to an optical axis, as recited in independent claim 1.

Sugaya discloses an inspection apparatus and method, an exposure apparatus and an alignment apparatus capable of specifying at least one aberration condition and optical adjustment condition of an optical system to be inspected (Abstract). Sugaya teaches an illumination field stop (Fig. 19, element 117) and a driving system (element 118), and teaches that the illumination field stop (117) is driven by the driving system (118). However, Sugaya does not teach, disclose or suggest the direction in which the field stop is adjusted, and, if the field stop is adjusted, Sugaya does not disclose or suggest the size of the image field during adjustment of the field stop. The portions mentioned by the Office Action as being relevant

to this feature (column 6, lines 50-67 and column 7, lines 1-20) in fact refer to the objective optical system 500, and more precisely to the correction optical system 550 which does not contain a field stop. Columns 24-25 and column 26, lines 1-10, which refer to Fig. 19 and to the field stop element 117, merely disclose that instructions for the illumination field stop 117 and the image forming aperture stop 121 are supplied to the controller 150 (column 25, line 66 - column 26, line 1) and that the controller 150 drives the illumination field stop 117 by way of a driving system 118 (column 26, lines 1-3). In other words, Sugaya does not disclose or suggest the direction in which the field stop is adjusted, i.e., that the field stop is adjusted in a plane perpendicular to the optical axis, as recited in independent claim 1. Accordingly, Sugaya does not disclose, suggest or render obvious the subject matter of independent claim 1. As such, Applicant respectfully submits that independent claim 1 defines patentable subject matter.

Applicant further submits that Sugaya fails to disclose or suggest an optical positional deviation detecting apparatus comprising, *inter alia*, an imaging device that is adjusted in accordance with the field stop adjustment, as recited in dependent claim 2. Accordingly, for at least this reason and for its dependency on allowable claim 1, Applicant submits that dependent claim 2 defines patentable subject matter. Furthermore, the cancellation of claim 8 renders the rejection of claim 8 moot. As such, Applicant respectfully requests that the rejection of claims 1 and 2 over Sugaya be withdrawn.

For at least these reasons, Applicant respectfully submits that claims 1 and 2 define patentable subject matter. As such, Applicant respectfully requests that the rejections of these claims be withdrawn.

Applicant further submits that neither Sugaya nor Iwanaga, alone or in combination, cure the deficiencies of Sugaya in disclosing each and every feature of dependent claims 3-6, including the features of independent claim 1. Accordingly, and for at least the dependence

of claims 3-6 on allowable independent claim 1, Applicant submits that claims 3-6 define patentable subject matter. As such, Applicant respectfully requests that the rejections of claims 3-6 over Sugaya in view of Iwanaga be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 and 9-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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